

204892

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad  
Between BNSF M.P. 1227.58 and  
M.P. 1231.18 in Kalispell, Montana

NOTICE OF EXEMPTION  
Docket No. AB-6  
(Sub-No. 392X)



TO THE SURFACE TRANSPORTATION BOARD:

DID# 0101900002

The Burlington Northern and Santa Fe Railway (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between M.P. 1227.58 and M.P. 1231.18 in Kalispell, Flathead County, Montana, total distance of 3.60 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

April 19, 2002

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no

formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

- III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

**FILED**

MAR 01 2002

SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**

MAR 01 2002

**SURFACE  
TRANSPORTATION BOARD**

ENTERED  
Office of the Secretary

MAR 06 2002

Part of

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway

Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Kalispell, Montana line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr., Suite 3000  
Chicago, Illinois 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Kalispell, Montana line traverses United States Postal Service Zip code 59901.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

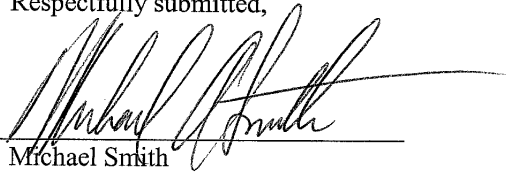
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

- V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. attached.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Drive, Suite 3000

Chicago, Illinois 60606-6677

(312) 360-6336

FAX (312) 360-6598

**VERIFICATION**

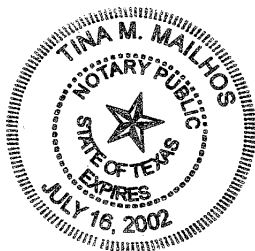
STATE OF TEXAS                     )  
  )ss  
COUNTY OF TARRANT         )


Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 392X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.



Richard A. Batie  
Manager, Shortline Development

Subscribed and sworn to before me the 13 day of February, 2002.

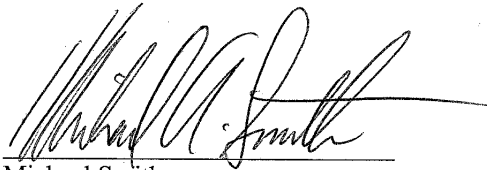


  
Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY  
NO. AB-6 (Sub-No. 392X)

**CERTIFICATION**

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Montana Public Service Commission; the Montana Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on January 22, 2002; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on January 22, 2002; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on January 22, 2002; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on January 26, 2002 in The Daily Interlake, affidavits of publication are attached).



Michael Smith  
Freeborn & Peters  
311 S. Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677  
(312) 360-6336  
FAX (312) 360-6598

**No. 5426**  
**NOTICE OF INTENT**  
**TO ABANDON**

The Burlington Northern and Santa Fe Railway Company gives notice that on or after February 11, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F — Exempt Abandonments permitting the abandonment of or discontinuance of service on 3.60 miles of railroad line between railroad milepost 1227.58 and milepost 1231.18 in Kalispell, which line segment traverses through United States Postal Zip Code 59901 in Flathead County, Montana. The proceeding will be docketed as No. AB-6 (SubNo. 392X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analyses.

STATE OF MONTANA

FLATHEAD COUNTY

**AFFIDAVIT OF PUBLICATION**

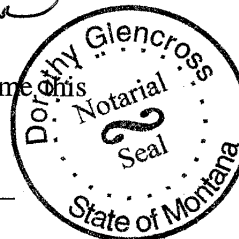
**DIANE SKJERVEM BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS LEGAL CLERK OF THE DAILY INTER LAKE, A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT NO. 5426 LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF JAN. 26, 2002**

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

*Diane Skjervem*

Subscribed and sworn to before me on this  
**AD. JAN. 28, 2002**

*Dorothy Glencross*



Notary Public for the State of Montana  
Residing in Kalispell  
My Commission expires 9/11/05

BEFORE THE  
SURFACE TRANSPORTATION BOARD

In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company  
Notice of Exemption to Abandon  
Its Line of Railroad Between M.P.  
1227.58 and M.P. 1231.18 in  
Kalispell, Montana

Docket No. AB-6  
(Sub No. 392X)

**ENVIRONMENTAL REPORT**

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 1227.58 and M.P. 1231.18 in Kalispell, Flathead County, Montana, total distance of 3.60 miles.

**(1) Proposed action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

**(2) Transportation system:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.



**(3) Land Use:**

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should be consistent with local land use plans. See Exhibit B, letter from the Tri-City Planning Office, See Exhibit C, e-mail from the Flathead County Planning & Zoning Office, See Exhibit D, letter from, the Montana Department of Fish, Wildlife and Parks.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment should have not effects on prime agriculture. There are two prime soils along the track which should not be affected by the removal of the track materials as long as the work is performed is kept within the limits of the existing track. See Exhibit E, letter from the Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The line may be suitable for alternative public use. See Exhibit B, letter from the Tri-City Planning Office, See Exhibit C, e-mail from the

Flathead County Planning & Zoning Office, See Exhibit D, letter from, the Montana Department of Fish, Wildlife and Parks.

**(4) Energy:**

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are not undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

**(5) Air:**

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles per day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

This action will have no effect on the transportation of ozone-depleting materials as the line is out of service.

**(6) Noise:** If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

**(7) Safety:**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are 3 public crossings and 3 private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being

transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no hazardous waste sites or sites where there have been known hazardous spills on the right-of-way between M.P. 1227.58 and M.P. 1231.18.

**(8) Biological resources:**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The proposed site of abandonment does not pass through any wildlife management areas or refuges, specific wildlife sanctuaries, or critical habitat for threatened or endangered species. See Exhibit F, e-mail from the State of Montana Fish, Wildlife & Parks.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The United States Department of the Interior, Bureau of Land Management has indicated that there are no federal wildlife sanctuaries or National or State parks that will be affected by the abandonment. See Exhibit G. The Montana Department of Fish, Wildlife and Parks fully

supports the abandonment and states that the abandonment will not adversely affect any State Park or National Park. See exhibit D, letter from, the Montana Department of Fish, Wildlife and Parks. There are no State School Trust Lands or navigable waterways managed by the State of Montana Department of Natural Resources and Conservation next to or near the proposed abandonment. See exhibit H, letter from the State of Montana Department of Natural Resources and Conservation. The proposed abandonment will have a beneficial effect on Lone Pine State Park. See Exhibit B, letter from the Tri-City Planning Office. The Lone Pine State Game Reserve will not be affected by the proposed abandonment. See exhibit I, letter from the United States Department of Agriculture.

**(9) Water:**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed abandonment crosses Ashley Creek, a 303(d) Listed Stream (identified as being impaired or threatened and in need of water quality restoration). If the abandonment will temporarily disturb the water quality of Ashley Creek, a Short-Term Water Quality Standard for Turbidity Authorization (318 Authorization) would be required from the Department of Environmental Quality. See Exhibit J, letter from the Montana Department of Environmental Quality.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The proposed abandonment will not involve the discharge of dredged or fill materials in waters of the United States. Therefore, Section 404 permit is not required. See exhibit K, letter from the Department of the Army, Omaha District, Corps of Engineers; see exhibit J, letter from the Montana Department of Environmental Quality. The project will not affect any 100 year floodplains. See exhibit I, letter from the United States Department of Agriculture.

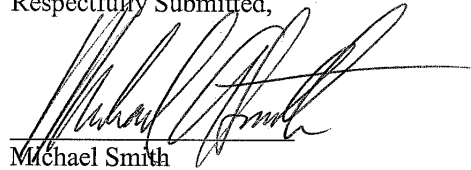
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

Montana Department of Environmental Quality has been contacted and they have not responded as of the date of this report. See Exhibit L. When a response is received, it will be forwarded to the Surface Transportation Board's Section of Environmental Analysis.

**(10) Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr. Suite 3000

Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598



BEFORE THE  
SURFACE TRANSPORTATION BOARD

In the Matter of The  
Burlington Northern and Santa Fe  
Railway Company  
Notice of Exemption to Abandon  
Its Line of Railroad Between  
M.P. 1227.58 and M.P. 1231.18  
in Kalispell, Montana

Docket No. AB-6  
(Sub No. 392X)

**HISTORICAL REPORT**

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P.1227.58 and M.P. 1231.18 in Kalispell, Flathead County, Montana, a total distance of 3.60 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Montana Historical Society and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The Kalispell Trackage is 3.6 miles in length and goes south from Kalispell, Montana. The line roughly parallels U. S. 93 which is east of the line. The trackage crosses Ashley Creek twice and the right of way varies from 100 to 200 feet wide. The topography is generally flat with the exception of Ashley Creek.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no buildings or structures on the property or in the surrounding area that are 50 years old or older.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The Kalispell Trackage is part of the Somers/Kalispell railroad which was constructed in 1900 as the result of an agreement between James J. Hill and John O'Brien in which the latter agreed to construct a mill at the end of Flathead Lake near Somers to supply Hill's Great Northern Railroad with three-cornered railroad ties for the railroad's expanding railroad lines. As part of the agreement, the Great Northern was to build and maintain a spur track from its main line to the site of John O'Brien's mill. The Columbia Falls to Somers line was completed on December 24, 1900 and railroad operations on the line began on August 12, 1901. The line was also a part of the north/south passenger traffic in the Flathead Valley. In 1929, Great Northern discontinued its passenger service.

Burlington Northern Railroad abandoned the 5.5 mile Kalispell to Somers line on February 10, 1991, leaving the Kalispell trackage serving a grain shipper on the south end of the trackage. The last rail shipment on the Kalispell trackage took place in January of 2000. The line has been embargoed since that time due to poor track conditions.

The Great Northern Railway Company was acquired by the Burlington Northern Railroad Company which, in 1996, merged with The Atchison, Topeka & Santa Fe Railway Company to become The Burlington Northern and Santa Fe Railway Company.

If the abandonment is approved by the STB, the Montana State Highway Department would like to acquire the right of way for a state highway bypass route around downtown Kalispell.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

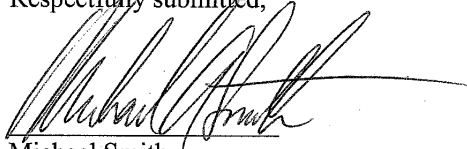
To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The Montana Historical Society has conducted a

cultural resource search for the abandonment and has found a number of previously recorded cultural properties within the designated areas including the railway itself. See Exhibit M, letter from the Montana Historical Society.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', with a long horizontal flourish extending to the right.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

**CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)**

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on January 22, 2002, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Mark Baumlner, Ph.D  
State Historic Preservation Officer  
Montana Historical Society  
225 North Roberts  
Helena, MT 59620

Thomas Lonnie  
Deputy State Director  
Division of Resources  
Bureau of Land Management  
P.O. Box 36800  
Billings, MT 59107

Tom Jenz  
County Planner  
Flathead Regional Development  
723 Fifth Ave. East, Rm. 414  
Kalispell, MT 59901

Jon Dahlberg  
Department of Natural Resources  
and Conservation  
2250 Highway 93 North  
Kalispell, MT 59901

Forest Supervisor  
Flathead National Forest  
1935 Third Avenue East  
Kalispell, MT 59901

Marty Watkins  
Montana Department of Fish,  
Wildlife & Parks  
490 North Meridian Road  
Kalispell, MT 59901

Shirley Gammon  
State Conservationist  
Montana Natural Resources Conservation  
Service  
Federal Building, Room 443  
10 East Babcock  
Bozeman, MT 59715-4704

Montana Department of Natural  
Resources and Conservation  
Water Resources Office  
Kalispel Regional Office  
109 Cooperative Way  
Kalispell, MT 59901

Flathead County Board of Commissioners  
800 South Main St.  
Kalispell, MT 59901-5400

Allan Steinle  
U.S. Army Corps of Engineers  
Helena Regulatory Office  
301 S. Park  
Drawer 10014  
Helena, MT 59626-0014

Ralph Peck  
Director  
Montana Department of Agriculture  
P.O. Box 200201  
Helena, MT 59620

Angel Rosario  
District Conservationist  
Natural Resources Conservation Service  
Kalispell Service Center  
30 Lower Valley Rd  
Kalispell, MT 59901-7921

United States Fish and Wildlife Service  
Region 6  
134 Union Blvd  
Lakewood, Colorado 80228

Montana Department of Natural  
Resources and Conservation  
1625 Eleventh Avenue  
PO Box 201601  
Helena, MT 59620-1601

Montana Public Service Commission  
1701 Prospect Ave  
P.O. Box 202601  
Helena, MT 59620-2601

Edward McKay  
National Geodetic Survey  
NOAA - SSMC3  
1315 East-West Highway  
Silver Spring, MD 20914

James Williams  
Wildlife Manager  
Montana Fish, Wildlife & Parks  
490 North Meridian Rd.  
Kalispell, MT 59901

Jan Sensibaugh  
Director's Office  
Department of Environmental Quality  
1520 East 6<sup>th</sup> Ave.  
P.O. Box 200201  
Helena, MT 59620-0901

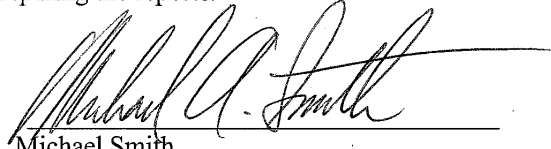
Tom Reid  
Department of Environmental Quality  
P.O. Box 200901  
Helena, Montana 59620-0901

U.S. Department of the Interior  
National Park Service  
Land Resource Division  
1849 C Street, N.W.  
Washington, DC 20240

U.S. Environmental Protection Agency  
Region 8  
999-18th Street, Suite 300  
Denver, CO 80202-2466

Montana Department of Transportation  
PO Box 201001  
2701 Prospect Ave. Helena, MT  
59620-1001

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.

A handwritten signature in black ink, appearing to read "Michael A. Smith", written over a horizontal line.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

**A**



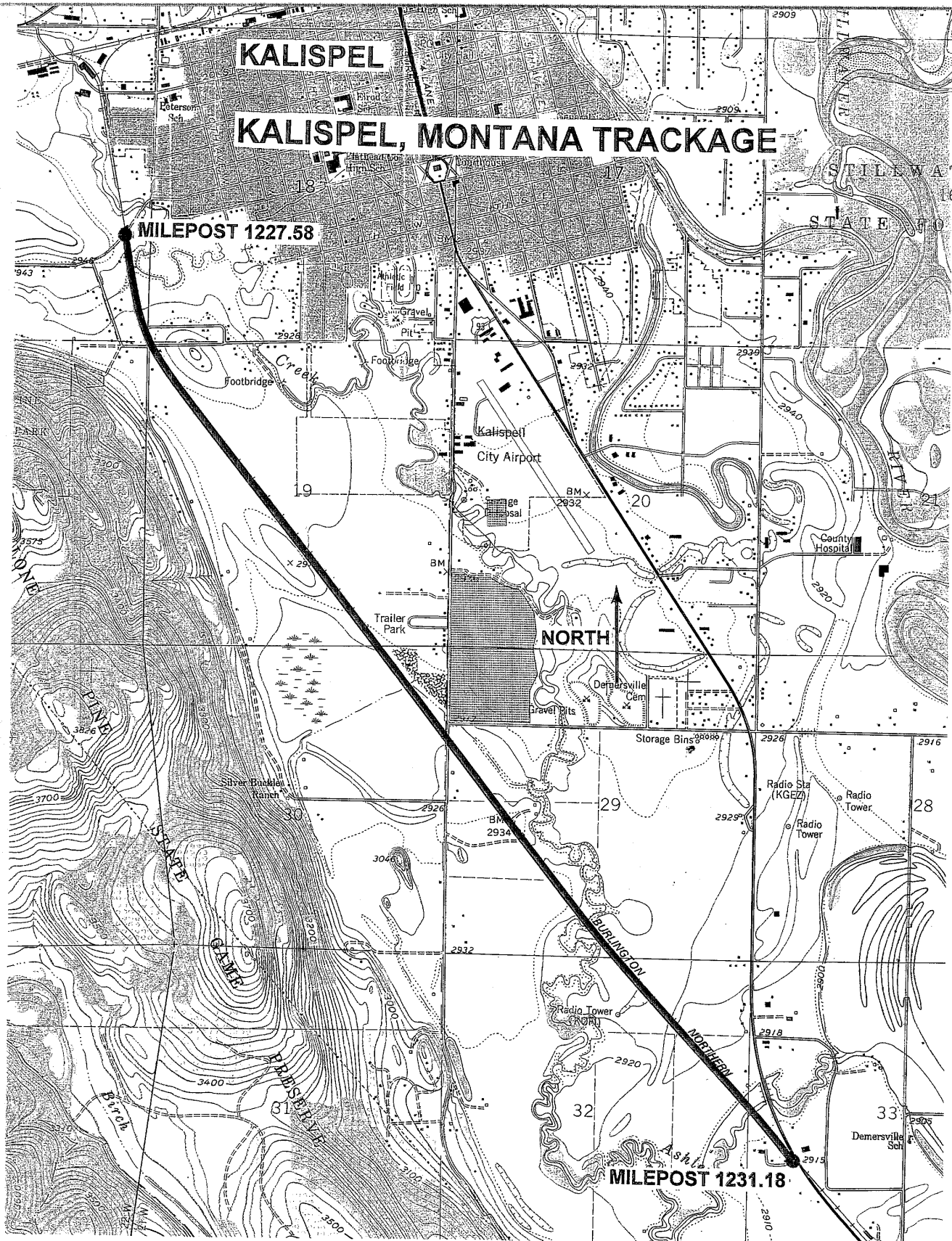
KALISPEL

# KALISPEL, MONTANA TRACKAGE

MILEPOST 1227.58

NORTH

MILEPOST 1231.18



**B**

## **TRI-CITY PLANNING OFFICE**

**17 Second Street East  
Kalispell MT 59901**

**Phone: (406) 751-1850**

**Fax: (406) 751-1858**

July 10, 2001

Brian Nettles, Paralegal  
Freeborn & Peters  
311 South Wacker Drive Suite 3000  
Chicago Illinois 60606-6677

Re: Burlington Northern and Santa Fe Railway Company Abandonment of Kalispell, Montana Trackage

Dear Mr. Nettles:

I am responding to your May 29<sup>th</sup> and June 12<sup>th</sup> letters concerning the above abandonment process. We have been anticipating this abandonment process for several years. As you know, this rail line was proposed to serve as a key link in the development of the Kalispell west side bypass route for US Highway 93. The route has already been the subject of an Environmental Impact Statement released in 1994 by the Federal Highway Administration in concert with the Montana Department of Transportation. Actual construction of the bypass route is 15 - 20 years in the future. The bypass design incorporates a detached bike path along the railroad route.

I will address your general letter of May 29<sup>th</sup> first. Flathead County is interested in pursuing development of the Kalispell rail line proposed for abandonment as a recreational trail. While the Montana DOT is proposing to develop this route as a highway bypass (alternate US 93), because of the substantial time lag involved before the highway bypass route is constructed, Flathead County and the Montana DOT, working with the local Rails-to-Trails Organization, were proposing to develop this route as a bike and pedestrian path now. A trail along your abandoned railroad route would connect 3 existing trail routes. An 8-mile long trail using previously abandoned railroad R/W is already under construction from Somers to Kalispell along US 93 with a completion date of September 2001. The BNSF route would intersect this route at milepost 1231.18. A second trail serving the Lone Pine State Park Trail is located approximately at milepost 1228. The third trailhead that your trackage intersects is called the Great Northern Trail. This trail has a trailhead at milepost 1227 and extends westward along previously abandoned Great Northern Railroad R/W for a distance of 9 miles. As you can see, the trackage you propose to abandon forms an intricate component of the Kalispell area bike and pedestrian trail system.

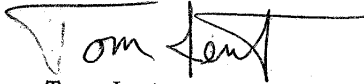
In your letter of June 12<sup>th</sup> you asked if the abandonment would have any impact on wildlife sanctuaries, refuges, National or State parks. I see the abandonment as extremely beneficial for Lone Pine State Park. The State Park lies ¼ mile west of Milepost 1228. Several years ago a trail system was developed with a trailhead at approximately milepost 1228 to serve the state park in anticipation of the proposed rail abandonment. This State Park trail provides both pedestrian access to the State Park as well as rural resident access to Kalispell for those rural residents who live beyond the State Park to the southwest of Kalispell. Conversion of the abandoned railway to a bike and pedestrian park would have measurable and significant benefit to our local pedestrian system and to the Lone Pine State Park.

**Providing Community Planning Assistance To:  
•City of Kalispell •City of Whitefish •City of Columbia Falls**

Brian Nettles  
July 10, 2001  
Page 2 of 2

In light of the above discussions, we understand that it is your intention to remove all railroad features such as rails, ties, etc. We would ask that if it were at all possible to leave the bridges in place. There are several small stream crossings, which are now bridged. Leaving the railroad bridges intact saves thousands of dollars in trail development. If you have any additional questions do not hesitate to contact me.

Sincerely,



Tom Jentz  
Director

TRJ/sm

Attachments: Letters dated May 29<sup>th</sup> & June 12<sup>th</sup> 2001 from Brian Nettles

H:\TRI-CITY\CTEP\BRIAN NETTLES-RR ABAND

**C**

**Nettles, Brian**

---

**From:** Mark Crowley [mcrowley@co.flathead.mt.us]  
**Sent:** Friday, July 27, 2001 6:26 PM  
**To:** 'bnettlles@freebornpeters.com'  
**Subject:** BNSF RR Abandonment

Hello Brian,

Your letter of May 29 concerning the abandonment of the railway trackage, came across my desk this week. The County Commissioners are very interested in the right of way! We have an active Rails to Trails group in our valley and they have been eyeing that piece for some time. It is a vital link in our planned network.

On Monday, my office will send a more formal response.

Sorry for the delay in responding, our county has been going through some changes here at the planning office.

Thank you!

Mark Crowley  
Planner II  
Flathead County Planning & Zoning Office  
723 Fifth Avenue E., Rm 414  
Kalispell, Montana 59901

+1 (406) 758-5960

**D**



Region One  
490 N. Meridian Road  
Kalispell, MT 59901  
(406) 752-5501  
FAX: (406) 257-0349  
Ref:mw-018-01  
June 26, 2001

Brian Nettles  
Freeborn and Peters Attorneys at Law  
311 S. Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

I am writing in response to the Burlington Northern and Santa Fe Railway Company plans to file an exemption to abandon its Kalispell, Montana, trackage between Milepost 1227.58 and 1231.18.

This section of rail bed is highly sought after as a trail corridor. It would connect Lone Pine State Park, a heavily used trail area for bicycles, and Herron Park, a heavily used equestrian area with a trail system that extends all the way to Lakeside. It would pull traffic from a heavily used highway and provide an exceptional trail opportunity.

We support the abandonment of this trail and the leaving of the trail bed, and we strongly support this section of right-of-way being turned into a rails-to-trails opportunity.

Sincerely,

Marty Watkins  
Regional Park Manager

/ni



E

United States Department of Agriculture



Natural Resources Conservation Service  
30 Lower Valley Rd.  
Kalispell, MT 59901  
406-752-4242  
406-752-4879-Fax

December 20, 2001

Brian Nettles  
Freeborn & Peters  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677

Dear Mr. Nettles:

Please find attached the soil map and the prime soils list for the Burlington Northern and Santa Fe Railway Company abandonment of Kalispell trackage. There are two prime soils along the track which should not be affected by the removal of the track materials as long as the work performed is kept in within the limits of the existing track.

Sincerely,

A handwritten signature in black ink, appearing to read "Angel R. Rosario", is written over the typed name.

Angel R. Rosario  
District Conservationist

22 W. | R. 21 W.



## Soils

$k_u$  - Prime

Da

 $\int a$ 

06

 $k_x$ 

Aa

 $kw$  $kt$ 

cd - Prime

T. 28 N.

(Joins sheet 27)

1 Mile

Scale 1:20 000

5 000 Feet

PRIME FARMLAND  
UPPER FLATHEAD VALLEY AREA, MONTANA: Detailed Soil Map Legend

Map symbol	Soil name
Ca	CHAMOKANE SOILS, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Cb	CHAMOKANE SOILS, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Cd	CORVALLIS SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Ce	CRESTON SILT LOAM, 0 TO 3 PERCENT SLOPES
Cf	CRESTON SILT LOAM, 3 TO 7 PERCENT SLOPES
Dd	DEPEW SILTY CLAY, 0 TO 3 PERCENT SLOPES (Farmland of statewide importance)
De	DEPEW SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES (Farmland of statewide importance)
Df	DEPEW SILTY CLAY LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Fa	FLATHEAD FINE SANDY LOAM, 0 TO 3 PERCENT SLOPES
Fb	FLATHEAD FINE SANDY LOAM, 3 TO 7 PERCENT SLOPES
Fd	FLATHEAD SANDY LOAM, 0 TO 7 PERCENT SLOPES
Fe	FLATHEAD VERY FINE SANDY LOAM, 0 TO 3 PERCENT SLOPES
Ff	FLATHEAD VERY FINE SANDY LOAM, 3 TO 7 PERCENT SLOPES
Fg	FLATHEAD-CRESTON LOAMS, 0 TO 3 PERCENT SLOPES
Fh	FLATHEAD-MIRES LOAMS, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Ha	HALF MOON SILT LOAM, 0 TO 3 PERCENT SLOPES
Hb	HALF MOON SILT LOAM, 3 TO 8 PERCENT SLOPES (Farmland of statewide importance)
Hc	HALF MOON VERY FINE SANDY LOAM, 0 TO 3 PERCENT SLOPES
Hd	HALF MOON VERY FINE SANDY LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Hg	HALF MOON-HASKILL COMPLEX, 0 TO 3 PERCENT SLOPES (Farmland of statewide importance)
Hh	HALF MOON-HASKILL COMPLEX, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Ho	HASKILL LOAMY FINE SAND, 0 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Ka	KALISPELL FINE SANDY LOAM, MODERATELY DEEP OVER SAND, 0 TO 7 PERCENT SLOPES (Prime farmland if irrigated)
Kb	KALISPELL GRAVELLY LOAM, MODERATELY DEEP OVER GRAVEL, 3 TO 7 PERCENT SLOPES (Prime farmland if irrigated)
Kc	KALISPELL GRAVELLY LOAM, MODERATELY DEEP OVER GRAVEL, 7 TO 12 PERCENT SLOPES (Farmland of statewide importance)
Ke	KALISPELL LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Kf	KALISPELL LOAM, 0 TO 3 PERCENT SLOPES, WIND ERODED (Prime farmland if irrigated)
Kg	KALISPELL LOAM, 3 TO 7 PERCENT SLOPES (Prime farmland if irrigated)
Kh	KALISPELL LOAM, 3 TO 7 PERCENT SLOPES, WIND ERODED (Prime farmland if irrigated)
Kn	KALISPELL LOAM, MODERATELY DEEP OVER GRAVEL, 0 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Kp	KALISPELL LOAM, MODERATELY DEEP OVER SAND, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Kr	KALISPELL LOAM, MODERATELY DEEP OVER SAND, 3 TO 7 PERCENT SLOPES (Prime farmland if irrigated)
Ku	KALISPELL SILT LOAM, HEAVY SUBSOIL, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Kv	KALISPELL SILT LOAM, MODERATELY DEEP OVER SAND, 0 TO 7 PERCENT SLOPES (Prime farmland if irrigated)
Kzd	KIWANIS FINE SANDY LOAM, 0 TO 4 PERCENT SLOPES (Prime farmland if irrigated)
Kze	KIWANIS LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Kzf	KIWANIS LOAM, 3 TO 9 PERCENT SLOPES (Farmland of statewide importance)
Kzk	KRAUSE GRAVELLY LOAM, 0 TO 3 PERCENT SLOPES (Farmland of statewide importance)
Kzm	KRAUSE GRAVELLY LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Kzn	KRAUSE GRAVELLY LOAM, 7 TO 12 PERCENT SLOPES (Farmland of statewide importance)
Mn	MIRES LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Mo	MIRES LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Pa	PROSPECT LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Pb	PROSPECT LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Sb	SELLE FINE SANDY LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Sc	SELLE FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES (Prime farmland if irrigated)
Sd	SOMERS SILT LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Se	SOMERS SILT LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Sf	SOMERS SILTY CLAY, 0 TO 4 PERCENT SLOPES (Prime farmland if irrigated)
Sg	SOMERS SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Sh	SOMERS SILTY CLAY LOAM, 3 TO 8 PERCENT SLOPES (Farmland of statewide importance)
So	SWIMS SILT LOAM, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Sp	SWIMS SILT LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Sr	SWIMS SILTY CLAY LOAM, 0 TO 4 PERCENT SLOPES (Prime farmland if irrigated)
Wc	WATTS SILT LOAM, 0 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Wd	WATTS SILT LOAM, FANS, 0 TO 4 PERCENT SLOPES
Wo	WALTERS SILT LOAM, 0 TO 4 PERCENT SLOPES
Wp	WALTERS VERY FINE SANDY LOAM, 0 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Wr	WHITEFISH COBBLY SILT LOAM, 0 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Ws	WHITEFISH COBBLY SILT LOAM, 7 TO 12 PERCENT SLOPES (Farmland of statewide importance)
Wv	WHITEFISH GRAVELLY SILT LOAM, 0 TO 7 PERCENT SLOPES
Ww	WHITEFISH GRAVELLY SILT LOAM, 7 TO 12 PERCENT SLOPES (Farmland of statewide importance)

U.S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

SURVEY AREA ..... STATE .....  
USDA-SCS, COOPERATING AGENCIES .....  
DATE ..... SCALE .....

Page 2 Of 2  
04/11/2000

ADVANCE COPY - SUBJECT TO CHANGE

PRIME FARMLAND--Continued  
UPPER FLATHEAD VALLEY AREA, MONTANA: Detailed Soil Map Legend

Map symbol	Soil name
Wza	WHITEFISH SILT LOAM, 0 TO 3 PERCENT SLOPES
Wzb	WHITEFISH SILT LOAM, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Ye	YEOMAN GRAVELLY LOAM, 0 TO 7 PERCENT SLOPES (Prime farmland if irrigated)
Yf	YEOMAN GRAVELLY LOAM, 7 TO 12 PERCENT SLOPES (Farmland of statewide importance)
Yh	YEOMAN GRAVELLY LOAM, MODERATELY DEEP OVER SAND, 0 TO 3 PERCENT SLOPES (Farmland of statewide importance)
Yk	YEOMAN GRAVELLY LOAM, MODERATELY DEEP OVER SAND, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Ym	YEOMAN GRAVELLY LOAM, MODERATELY DEEP OVER SAND, 7 TO 12 PERCENT SLOPES (Farmland of statewide importance)
Yp	YEOMAN LOAM, MODERATELY DEEP OVER SAND, 0 TO 3 PERCENT SLOPES (Prime farmland if irrigated)
Yr	YEOMAN LOAM, MODERATELY DEEP OVER SAND, 3 TO 7 PERCENT SLOPES (Farmland of statewide importance)
Yt	YEOMAN SILT LOAM, 0 TO 7 PERCENT SLOPES (Farmland of statewide importance)

VD

SYMBOL	NAME	SYMBOL	NAME
	Mires gravelly loam:		Waits stony silt loam:
Mg	0-3 percent slopes	We	0-7 percent slopes
Mh	3-7 percent slopes	Wf	7-12 percent slopes
Mk	7-12 percent slopes	Wg	12-35 percent slopes
Mm	12-30 percent slopes	Wh	Waits stony silt loam, fans, 0-7 percent slopes
	Mires loam:		Waits and Krause stony loams:
Mn	0-3 percent slopes	Wk	0-7 percent slopes
Mo	3-7 percent slopes	Wm	7-12 percent slopes
Mp	7-12 percent slopes	Wn	12-40 percent slopes
Mr	Mountainous land	Wo	Walters silt loam, 0-4 percent slopes
Ms	Muck and Peat	Wp	Walters very fine sandy loam, 0-7 percent slopes
	Prospect loam:		Whitefish cobbly silt loam:
Pa	0-3 percent slopes	Wr	0-7 percent slopes
Pb	3-7 percent slopes	Ws	7-12 percent slopes
Pc	7-12 percent slopes	Wt	12-20 percent slopes
Pd	12-20 percent slopes	Wu	20-45 percent slopes
	Prospect stony loam:		Whitefish gravelly silt loam:
Pe	3-7 percent slopes	Wv	0-7 percent slopes
Pf	7-12 percent slopes	Ww	7-12 percent slopes
Pg	12-20 percent slopes	Wx	12-25 percent slopes
Ph	20-45 percent slopes		Whitefish silt loam:
	Prospect-Tuffit silt loams:	Wza	0-3 percent slopes
Pk	0-3 percent slopes	Wzb	3-7 percent slopes
Pm	3-7 percent slopes	Wzc	7-12 percent slopes
Pn	7-20 percent slopes	Wzd	12-35 percent slopes
	Radnor silt loam, 0-3 percent slopes		Whitefish stony silt loam:
Ra	Radnor silt loam, 0-3 percent slopes	Wze	0-7 percent slopes
Rb	Radnor silty clay loam, 0-3 percent slopes	Wzf	7-12 percent slopes
Rc	Riverwash	Wzg	12-20 percent slopes
	Saline-alkali land	Wzh	20-45 percent slopes
Sa	Saline-alkali land		Yeoman cobbly loam, moderately deep over sand:
	Selle fine sandy loam:	Ya	0-3 percent slopes
Sb	0-3 percent slopes	Yb	3-7 percent slopes
Sc	3-8 percent slopes	Yc	7-12 percent slopes
	Somers silt loam:	Yd	12-25 percent slopes
Sd	0-3 percent slopes		Yeoman gravelly loam:
Se	3-7 percent slopes	Ye	0-7 percent slopes
Sf	Somers silty clay, 0-4 percent slopes	Yf	7-12 percent slopes
	Somers silty clay loam:	Yg	12-30 percent slopes
Sg	0-3 percent slopes		Yeoman gravelly loam, moderately deep over sand:
Sh	3-8 percent slopes	Yh	0-3 percent slopes
Sk	Stryker silt loam, 0-3 percent slopes	Yk	3-7 percent slopes
Sm	Stryker silt loam, sandy subsoil, 0-3 percent slopes	Ym	7-12 percent slopes
Sn	Stryker silty clay loam, 0-3 percent slopes	Yn	12-20 percent slopes
	Swims silt loam:	Yo	20-40 percent slopes
So	0-3 percent slopes		Yeoman loam, moderately deep over sand:
Sp	3-7 percent slopes	Yp	0-3 percent slopes
Sr	Swims silty clay loam, 0-4 percent slopes	Yr	3-7 percent slopes
	Tally, Blanchard, and Flathead soils:	Ys	7-12 percent slopes
Ta	0-3 percent slopes		Yeoman silt loam:
Tb	0-3 percent slopes, wind eroded	Yt	0-7 percent slopes
Tc	3-7 percent slopes	Yu	7-12 percent slopes
Td	3-7 percent slopes, wind eroded	Yv	12-20 percent slopes
Te	7-12 percent slopes		Yeoman stony loam:
Tf	7-12 percent slopes, wind eroded	Yw	0-7 percent slopes
Tg	12-20 percent slopes	Yx	7-12 percent slopes
Th	Tuffit-Somers silty clay loams, 0-5 percent slopes	Yy	12-35 percent slopes
	Waits cobbly silt loam, fans:		Yeoman stony loam, moderately deep over sand:
Wa	0-3 percent slopes	Yza	0-7 percent slopes
Wb	3-7 percent slopes	Yzb	7-20 percent slopes
Wc	Waits silt loam, 0-7 percent slopes	Yzc	20-35 percent slopes
Wd	Waits silt loam, fans, 0-4 percent slopes		

Soil map constructed 1958 by Cartographic Division, Soil Conservation Service, USDA, from 1954 aerial photographs. Controlled mosaic based on Montana plane coordinate system, north zone, Lambert conformal conic projection, 1927 North American datum.

# UPPER FLATHEAD VALLEY AREA, MONTANA

## CONVENTIONAL SIGNS

### WORKS AND STRUCTURES

Roads	
Good motor	
Poor motor	
Trail	
Marker, U. S.	
Railroads	
Single track	
Multiple track	
Abandoned	
Bridges and crossings	
Road	
Trail, foot	
Railroad	
Ferry	
Ford	
Grade	
R. R. over	
R. R. under	
Tunnel	
Buildings	
School	
Church	
Station	
Mine and Quarry	
Shaft	
Dump	
Prospect	
Pits, gravel or other	
Power line	
Pipeline	
Cemetery	
Dam	
Levee	
Tank	
Oil well	
Windmill	
Canal lock (point upstream)	

### BOUNDARIES

National or state	
County	
Township, civil	
Township, U. S.	
Section line, corner	
City (corporate)	
Reservation	
Land grant	

### DRAINAGE

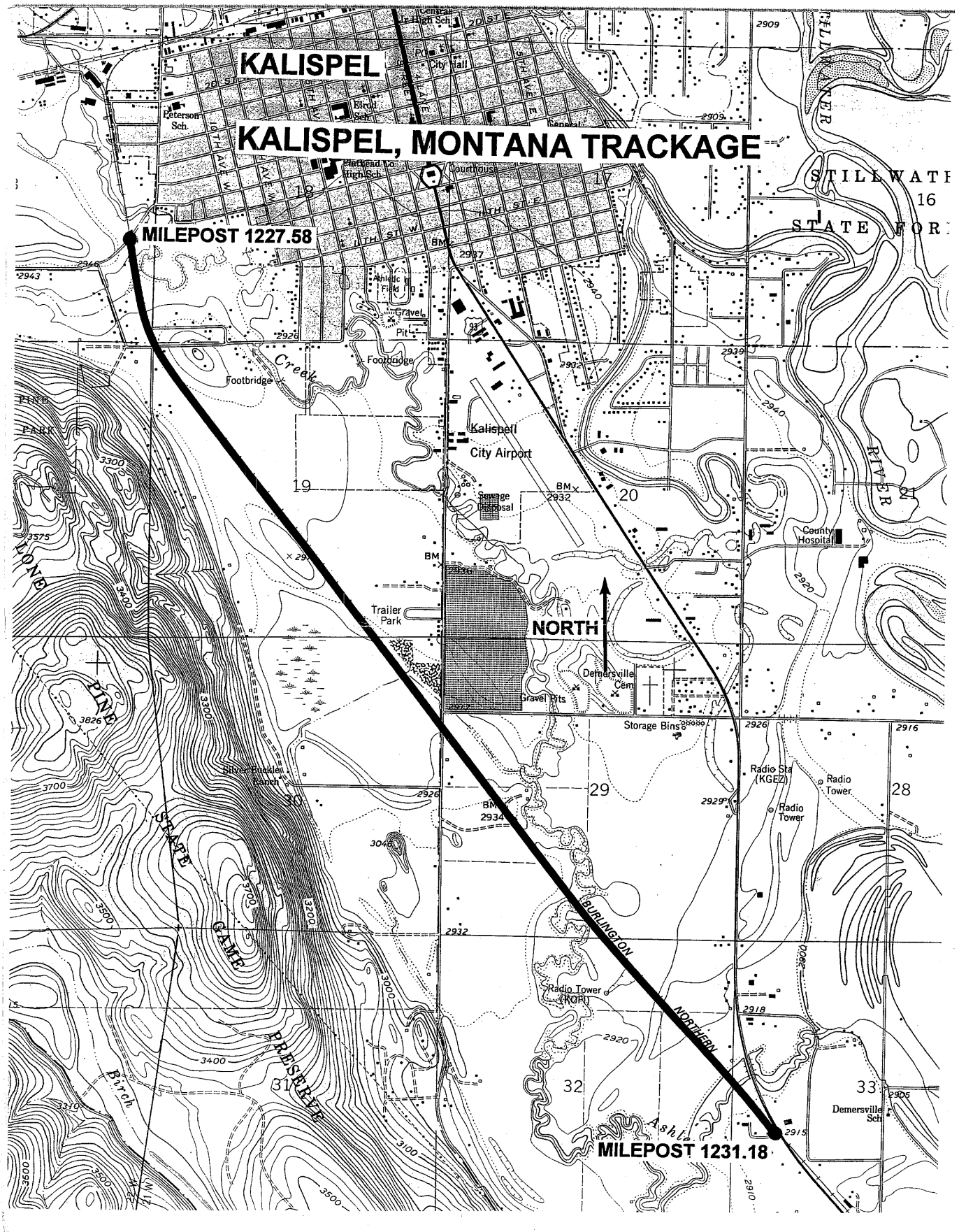
Streams	
Perennial	
Intermittent, unclass.	
Crossable with tillage implements	
Not crossable with tillage implements	
Canals and ditches	
Lakes and ponds	
Perennial	
Intermittent	
Wells	
Springs	
Marsh	
Wet spot	

### RELIEF

Escarpments	
Bedrock	
Other	
Prominent peaks	
Depressions	

### SOIL SURVEY DATA

Soil type outline	
and symbol	
Gravel	
Stones	
Rock outcrops	
Chert fragments	
Clay spot	
Sand spot	
Gumbo or scabby spot	
Made land	
Erosion	
Uneroded spot	
Sheet, moderate	
Sheet, severe	
Gully, moderate	
Gully, severe	
Sheet and gully, moderate	
Wind, moderate	
Wind, severe	
Blowout	
Wind hummock	
Overblown soil	
Gullies	
Areas of alkali and salts	
Strong	
Moderate	
Slight	
Free of toxic effect	
Sample location	
Saline spot	





F

**Nettles, Brian**

---

**From:** Williams, Jim [jwilliams@state.mt.us]  
**Sent:** Tuesday, June 05, 2001 4:46 PM  
**To:** 'bnettles@freebornpeters.com'  
**Subject:** FW: BN and Santa Fe RR abandonment - Kal

Brian:

Attached is some comments from our local wildlife biologist. Hope this helps!

Jim Williams  
Regional Wildlife Manager  
FWP  
Kalispell

-----Original Message-----

**From:** Bissell, Gael  
**Sent:** Monday, June 04, 2001 9:25 AM  
**To:** Williams, Jim  
**Subject:** BN and Santa Fe RR abandonment - Kal

To: Jim Williams

From: Gael Bissell

Date: June 4, 2001

Subject: BN/Santa Fe RR line abandonment- Kalispell

The current railroad right of way proposed for abandonment south of Kalispell (mp 1227.58 to 1231.18) does not pass through any wildlife management areas or refuges, specific wildlife sanctuaries, or critical habitat for Threatened or Endangered Species. The line does pass over Ashley Creek and other stream corridors. These riparian and wetland habitats are important for waterfowl, river otter (a species of special interest), upland game birds, raptors including bald eagles, deer, and many species of nongame wildlife. The proposed action of removing railroad ties and rails should not have any significant impact to these riparian areas nor their habitat values for wildlife except if additional disturbance outside of the right of way occurs. It would be helpful if FWP could be informed if the company plans any restoration or other activities outside of the existing railroad right of way or transfers ownership of the right of way to another entity.

Thanks for the opportunity to comment.

G



IN REPLY TO:

## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Montana State Office  
5001 Southgate Drive, P.O. Box 36800  
Billings, Montana 59107-6800  
<http://www.mt.blm.gov/>



6250 (924)

REF: Abandonment of Kalispell, Montana, Trackage

June 8, 2001

Mr. Brian Nettles  
Freeborn & Peters  
311 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

Thank you for your inquiry regarding the abandonment of the Burlington Northern and Santa Fe Railway Company tracks near Kalispell. While there is no Bureau of Land Management property within the proposed project impact area, there are lands administered by other Federal and state agencies. Only those agencies can determine the impact of the project on the resources they manage.

For your information, I have included the names, addresses, and telephone numbers of the other agencies you will need to contact:

Marty Watkins  
Montana Department of  
Fish, Wildlife & Parks  
490 North Meridian Road  
Kalispell, MT 59901  
(406) 752-5501

Jon Dahlberg  
Department of Natural Resources &  
Conservation  
2250 Highway 93 North  
Kalispell, MT 59901-2557  
(406) 751-2240

Forest Supervisor  
Flathead National Forest  
1935 Third Avenue East  
Kalispell, MT 59901  
(406) 758-5200

Tom Jenz  
County Planner  
Flathead Regional Development  
723 Fifth Avenue East  
Room 414  
Kalispell, MT 59901  
(406) 758-5980

Sincerely,

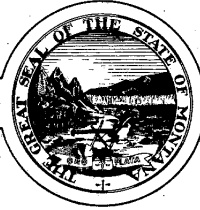
Thomas P. Lonnie  
Deputy State Director  
Division of Resources

NOV 1 1999  
B. NETTLES, JR. 2000  
NOV 1 1999  
B. NETTLES, JR. 2000  
NOV 1 1999  
B. NETTLES, JR. 2000  
NOV 1 1999  
B. NETTLES, JR. 2000

NOV 1 1999  
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NOV 1 1999  
B. NETTLES, JR. 2000  
NOV 1 1999  
B. NETTLES, JR. 2000  
NOV 1 1999  
B. NETTLES, JR. 2000

H

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION  
NORTHWESTERN LAND OFFICE  
KALISPELL-PLAINS UNIT



JUDY MARTZ  
~~MARGARET~~ GOVERNOR

STATE OF MONTANA

KALISPELL OFFICE  
2250 Highway 93 N., Kalispell, MT 59901  
Phone: (406) 751-2240, Fax: (406) 751-2288

PLAINS OFFICE  
PO Box 219, Plains, MT 59859  
Phone: (406) 826-3851, Fax: (406) 826-5785

POLSON OFFICE  
PO Box 640, Polson, MT 59860  
Phone: (406) 883-3960, Fax: (406) 883-3960

July 6, 2001

439  
BNSF Rail Abandonment  
South of Kalispell

Mr. Brian Nettles, Paralegal  
Freeborn & Peters  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677

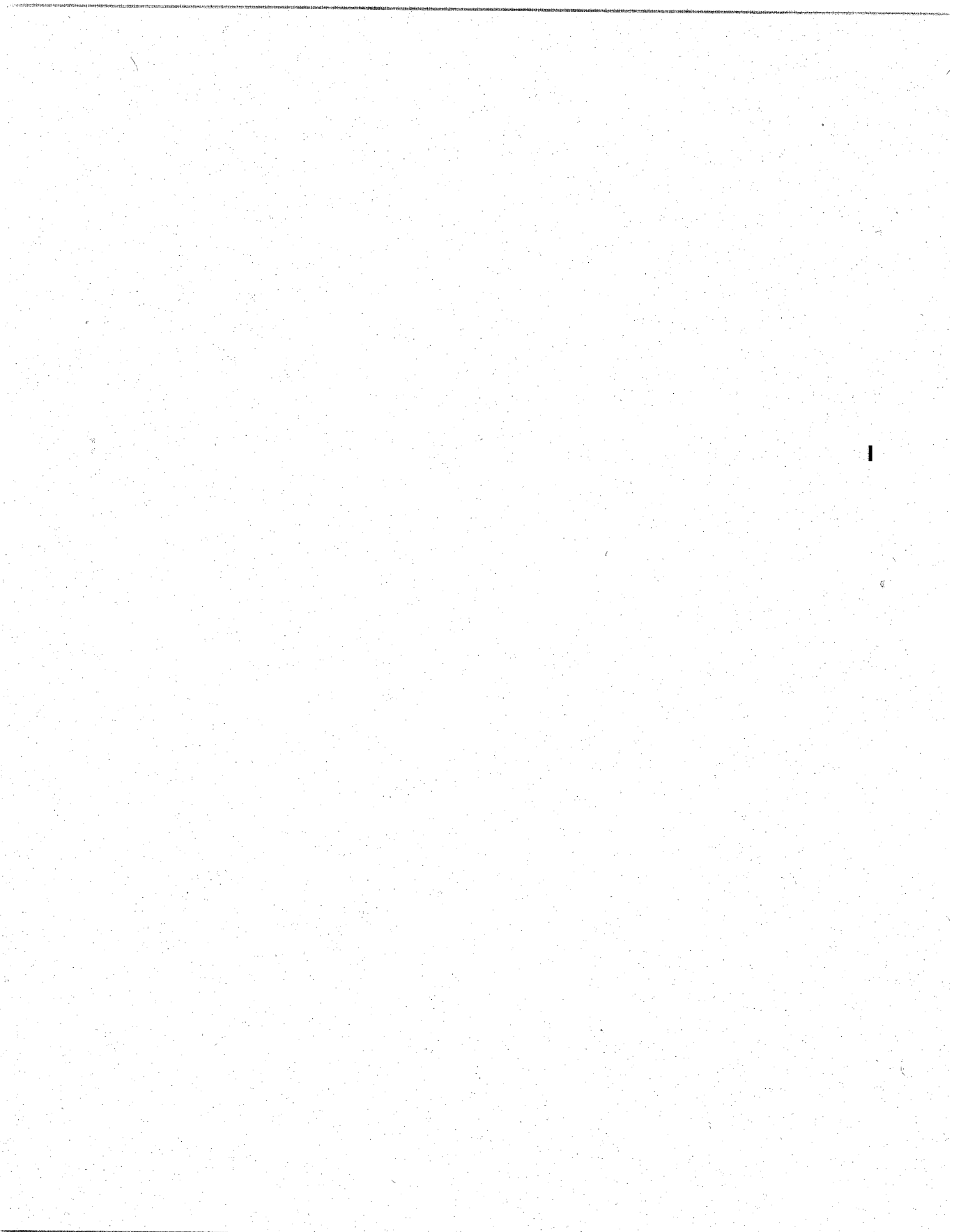
Dear Mr. Nettles:

This letter is to inform you that the Montana Department of Natural Resources and Conservation does not manage any State School Trust Lands or navigable waterways next to or near the abandonment track south of Kalispell, MT.

Sincerely,

*William F. Wright*  
William F. Wright  
Kalispell-Plains Unit Manager  
Northwestern Land Office

Cc: Kal Cal File  
439 (Kal/NWLO/TLM)





United States  
Department of  
Agriculture

Natural  
Resources  
Conservation  
Service

Federal Building  
Room 443  
10 East Babcock  
Bozeman, MT  
59715-4704

July 6, 2001

Brian Nettles, Paralegal  
Freeborn and Peters  
311 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:


This is in response to your two letters, dated May 29, 2001, requesting information about the environmental effects of the proposed abandonment of Burlington Northern and Santa Fe Railway Company trackage near Kalispell, Montana. I understand that the project may require removal of rails and ties but the roadbed will be left intact. The following comments are based on the assumption that the rails and ties will be removed by equipment working on the existing roadbed and that no ground-disturbing activities will occur off of the existing roadbed.

The project will not affect any 100-year floodplains if the roadbed is left in place. The effects of the proposed project on threatened and endangered species must be determined by the U.S. Fish and Wildlife Service, 100 N. Park, Suite 320, Helena, MT 59601. The Lone Pine State Game Preserve, located immediately to the west of the BNSF tracks, will not be affected by the proposed project.

Ground-disturbing activities off of the existing roadbed could have adverse effects on wetlands, wildlife habitat and floodplains. Any deposition of dredge or fill material in wetlands may require a permit from the U.S. Army Corps of Engineers. Any disturbance of the bed or banks of a perennial stream requires a Montana Natural Streambed and Land Preservation Act permit from the local conservation district.

The BNSF should arrange for control of noxious weed infestations on its right of way after abandonment of the track.

Sincerely,

  
SHIRLEY GAMMON  
State Conservationist

cc:  
Martin Jiminez, SRC, NRCS, Bozeman, MT



J



Montana Department of  
**ENVIRONMENTAL QUALITY**

Judy H. Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • [www.deq.state.mt.us](http://www.deq.state.mt.us)

June 11, 2001

Freeborn & Peters  
Attn: Brian Nettles  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677

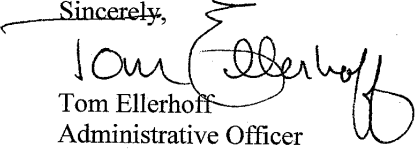
Dear Mr. Nettles:

The Department of Environmental Quality (DEQ) has reviewed your letter in which the Burlington Northern and Santa Fe (BNSF) Railroad Company proposed to abandon 3.60 miles of track south of Kalispell, MT (Milepost 1227.58 - 1231.18).

It appears from your enclosed map that the proposed abandonment crosses Ashley Creek, a 303(d) Listed Stream (identified as being impaired or threatened, and in need of water quality restoration). If possible, the BNSF might want to consider removing the portion of the bridge abutments to allow the creek to again flow into the flood plain. If this can be done without placing fill or dredge material in the creek, no federal 404 Permit would be needed. If in the course of removing material water quality will be temporarily disturbed, a Short-Term Water Quality Standard for Turbidity Authorization (318 Authorization) would be required from the DEQ. Further, as described in your letter, your proposal would not require a storm water construction authorization.

If you have any other water quality questions, please contact Tom Reid, supervisor, Water Quality Discharge Section, Water Protection Bureau (406-444-5329 or [toreid@state.mt.us](mailto:toreid@state.mt.us)) or me (406-444-5263 or [tellerhoff@state.mt.us](mailto:tellerhoff@state.mt.us)).

Sincerely,

  
Tom Ellerhoff  
Administrative Officer

cc: J. Sensibaugh  
S. Welch

K



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
215 NORTH 17TH STREET  
OMAHA, NEBRASKA 68102-4978

June 7, 2001

Helena Regulatory Office  
301 South Park, Drawer 10014,  
Helena, Montana 59626-0014  
Phone(406) 441-1375 Fax(406) 441-1380

**RE: Railroad Track Abandonment**  
**Corps File No. 200190392**

Mr. Brian Nettles  
Freeborn & Peters  
311 South Wacker Drive Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

We have reviewed the information concerning the proposed abandonment of 3.60 miles of Burlington Northern and Santa Fe Railroad track near Kalispell in Flathead County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army (DA) permits are required for the discharge of fill material below the ordinary high water mark of our nation's rivers, streams, lakes or in wetlands.

Based on the information provided that no fill material will be placed either temporarily or permanently in a wetland or below the ordinary high water mark of Ashley Creek, the proposed activity as described is not subject to DA regulatory authorities. Therefore, no permit is required from the Corps of Engineers. However, this does not eliminate the requirement to obtain other applicable federal, state, tribal and local permits.

If you have any questions, please call Bob Mc Inerney of this office at (406) 441-1375, and reference File No. 200190392.

Sincerely,

Allan Steinle  
Montana Program Manager

L

## Freeborn & Peters

October 24, 2001

Tom Reid  
Department of Environmental Quality  
P.O. Box 200901  
Helena, Montana 59620-0901

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

**Re:   *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Kalispel, Montana Trackage***

Dear Mr. Reid:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its Kalispel, Montana Trackage between (Milepost 1227.58) and (Milepost 1231.18), a distance of 3.60 miles in the near future.

As part of the environmental report BNSF needs to know whether or not Section 402 permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

**M**



# MONTANA HISTORICAL SOCIETY

225 North Roberts ♦ P.O. Box 201201 ♦ Helena, MT 59620-1201  
♦ (406) 444-2694 ♦ FAX (406) 444-2696 ♦ [www.montanahistoricalsociety.org](http://www.montanahistoricalsociety.org) ♦

June 6, 2001

Brian Nettles  
Freeborn and Peters  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677

RE: STB: BNSF Abandonment, Kalispell, SHPO Project #: 2001060107

Dear Mr. Nettles:

I have conducted a cultural resource file search for the project cited above and located in T28N, R22W, Section 13 and T28N, R21W, Sections 19, 29, 30, 32, and 33. Our files indicate there are several previously recorded cultural properties within the designated search area. I have enclosed a list of these sites, which includes basic information such as site name and legal location. If you would like more information on any of these sites, please contact the University of Montana Archaeological Records Office at (406) 243-5525. Several of the sites on the enclosed list are eligible for the National Register, including the railway itself (24FH350), which was determined eligible for the National Register by Consensus Determination on January 22, 1987.

In addition to these sites, several cultural resource inventories were previously conducted within the search area. Enclosed please also find a listing of these inventory reports and basic information such as title and author. If you would like more information on any of these documents, please contact me at the number listed below.

The information provided to our office indicates that the Burlington Northern and Santa Fe Railway Company plans to abandon the trackage designated in your letter. Our office is unclear as to what this abandonment would entail. We require more information on what this would actually involve before we can make any sound recommendation. In addition, because the railway is listed on the National Register and is administered by the Surface Transportation Board, a federal agency, determination of effect of abandonment would fall under Section 106 of the National Historic Preservation Act. In addition, our files show that Burlington Northern intended to abandon a part of the same Kalispell-Somers track in 1990. I have also enclosed the letter in our files pertaining to this matter. Unfortunately, our records do not have any further information on this.

If you have any questions or comments, please contact me at (406) 444-7767. Thank you for consulting with us.

Sincerely,

Phillip Melton  
Acting Cultural Records Manager

Enclosures

File: MISC/FILE SEARCH/2001

STATE HISTORIC PRESERVATION OFFICE ♦ 1410 8<sup>th</sup> Ave ♦ P.O. Box 201202 ♦ Helena, MT 59620-1202  
♦ (406) 444-7715 ♦ FAX (406) 444-6575





# STATE HISTORIC PRESERVATION OFFICE

## Cultural Resource Information Systems

### Report

Report Date:  
06/06/2001

Site #	Twp	Rng	Sec	Qs	Site Type1	Site Type 2	Time Period	Owner	Examiner
24FH0350	28 N	21W	19	5	Historic Railroad Stage Route Travel	Historic Railroad Building/Structure	1900-1909	Private	Heritage Research
24FH0496	28 N	21W	19	NW	Historic Homestead/Farmstead	Historic White Site	Historic More Than One Decade	Private	GCM
24FH0664	28 N	21W	19	NW	Historic Residence	Historic Outbuildings	1930-1939	Private	GCM
24FH0350	28 N	21W	29	5	Historic Railroad Stage Route Travel	Historic Railroad Building/Structure	1900-1909	Private	Heritage Research
24FH0285	28 N	21W	29	NE	Historic Architecture	Historic Residence	Historic Period	Private	Heritage Research
24FH0899	28 N	21W	29	NW	Historic Outbuildings	Null	Historic More Than One Decade	Private	GCM
24FH0284	28 N	21W	29	SE	Historic Homestead/Farmstead	Historic Residence	Historic Period	Private	Heritage Research
24FH0350	28 N	21W	30	NE	Historic Railroad Stage Route Travel	Historic Railroad Building/Structure	1900-1909	Private	Heritage Research
24FH0282	28 N	21W	32	NE	Historic Homestead/Farmstead	Historic Residence	Historic Period	Private	Heritage Research
24FH0350	28 N	21W	32	NE	Historic Railroad Stage Route Travel	Historic Railroad Building/Structure	1900-1909	Private	Heritage Research
24FH0281	28 N	21W	32	NE	Historic Homestead/Farmstead	Historic Residence	Historic Period	Private	Heritage Research
24FH0283	28 N	21W	32	NE	Historic Homestead/Farmstead	Historic Residence	Historic Period	Private	Heritage Research
24FH0516	28 N	21W	33	0	Historic Vehicular/Foot Bridge	Null	Historic More Than One Decade	State Owned	Professional
24FH0243	28 N	21W	33	NE	Historic Railroad Stage Route Travel	Historic Vehicular Foot/Bridge	1930-1939	No Data	GCM
24FH0281	28 N	21W	33	NW	Historic Homestead/Farmstead	Historic Residence	Historic Period	Private	Heritage Research
24FH0244	28 N	21W	33	SE	Historic Railroad Stage Route Travel	Historic Vehicular Foot/Bridge	1920-1930	No Data	GCM
24FH0350	28 N	21W	33	SW	Historic Railroad Stage Route Travel	Historic Railroad Building/Structure	1900-1909	Private	Heritage Research
24FH0900	28 N	22W	13	SE	Historic Residence	Historic Architecture	Historic More Than One Decade	Private	GCM
24FH0491	28 N	22W	13	SE	Historic Homestead/Farmstead	Null	Historic More Than One Decade	Private	GCM



# State Historic Preservation Office

Cultural Resource Annotated Bibliography System

## Report

Report Date:

06/06/2001

Township: 28N Range: 21W Section: 19

PAULSON

DALE

11/22/1993

*DRAFT EIS & SITE FORMS - US 93 SOMERS TO WHITEFISH*

CRABS Document Number: FH 4 16230

Township: 28N Range: 21W Section: 19

FERGUSON

DAVID M., AND KATHY MCKAY

1/ /1999

*CULTURAL RESOURCE INVENTORY AND ASSESSMENT OF THE KALISPELL  
BYPASS PROJECT*

CRABS Document Number: FH 4 22062

Township: 28N Range: 21W Section: 29

CHOQUETTE

WAYNE T., ET AL.

11/27/1981

*A CULTURAL RESOURCES RECONNAISSANCE OF THE PROPOSED CITY OF  
KALISPELL SLUDGE MANAGEMENT SYSTEM*

CRABS Document Number: FH 6 3228

Township: 28N Range: 21W Section: 29

FERGUSON

DAVID M., AND KATHY MCKAY

1/ /1999

*CULTURAL RESOURCE INVENTORY AND ASSESSMENT OF THE KALISPELL  
BYPASS PROJECT*

CRABS Document Number: FH 4 22062

Township: 28N Range: 21W Section: 30

FERGUSON

DAVID M., AND KATHY MCKAY

1/ /1999

*CULTURAL RESOURCE INVENTORY AND ASSESSMENT OF THE KALISPELL  
BYPASS PROJECT*

CRABS Document Number: FH 4 22062

Township: 28N Range: 22W Section: 13

PAULSON

DALE

11/22/1993

*DRAFT EIS & SITE FORMS - US 93 SOMERS TO WHITEFISH*

CRABS Document Number: FH 4 16230

Township: 28N Range: 22W Section: 13

FERGUSON

DAVID M., AND KATHY MCKAY

1/ /1999

*CULTURAL RESOURCE INVENTORY AND ASSESSMENT OF THE KALISPELL  
BYPASS PROJECT*

CRABS Document Number: FH 4 22062



# State Historic Preservation Office

## Montana Historical Society

Mailing Address: 225 North Roberts • Helena, MT 59620-9990

Office Address: 102 Broadway • Helena, MT • (406) 444-7715

November 7, 1990

Ms. Sarah J. Whitley, Attorney  
Burlington Northern Railroad Law Department  
3800 Continental Plaza  
777 Main Street  
Ft. Worth, TX 76102

Re: Docket No. AB-6 (Sub-No. 328X)  
BN Abandonment, Kalispell-Somers  
24FH350

Dear Ms. Whitley:

Thank you for notifying our office of BN's intent to abandon part of the historic Great Northern Branch Line between Kalispell and Somers, MT. Although your undertaking deals with only part of the property, the entire spurline was determined eligible for listing in the National Register of Historic Places on February 27, 1987. I have enclosed a copy of the inventory form, which lists the legal locations of the resource and includes a good summary of its significance.

Since inventory and evaluation of the Kalispell-Somers line have already been done, ICC can proceed directly to an assessment of whether abandonment will have an effect on the qualities which make the line significant (36CFR800.5), and, if so, whether that effect will be adverse (36CFR800.9). (See enclosed sections of 36CFR800.) Once a finding has been reached, ICC should forward their determination to us for comment. We are, of course, available for consultation during your preparation of a finding of effect. Please don't hesitate to call if we can assist you in any way.

Sincerely,

*Kathery Huppe*  
Katherine M. Huppe  
Historical Survey Reviewer

Enclosures

File: Comp/ICC/1990  
CD/ 24FH350